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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/505,568	02/17/2005	Olaf Joeressen	915-006.048	2435

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EXAMINER

YOUNG, JANELLE N

ART UNIT	PAPER NUMBER
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2642

DATE MAILED: 03/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/505,568	Applicant(s) JOERESSEN, OLAF	
	Examiner Janelle N. Young	Art Unit 2642	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Rachabathuni et al. (US Patent 6628938).

As of claim 1, Rachabathuni et al. teaches a method for operating a personal mobile terminal apparatus having an application and wherein the personal mobile terminal apparatus can access at least one data connection, comprising the steps of: obtaining properties of at least one data connection accessible from the mobile terminal apparatus, characterized by adapting a configuration of the application on the terminal apparatus in accordance with the information concerning a user's roaming; which reads on claimed properties. (Abstract; Col. 2, lines 14-29 & 57-67; Col. 3, lines 8-12; and Col. 4, lines 58-67)

As of claims 2-5 & 9, Rachabathuni et al. teaches a method, wherein the properties are the identifiers; which reads on claimed identification of data connection, obtained when a data connection, is selected, and the step of selecting an appropriate

data connection and a the step of determining actually data connections, is a potentially accessible data connection, and wherein the properties are obtained during the determination. (Col. 2, lines 54-63; Col. 4, lines 61-67; and Col. 6, lines 9-17)

As of claims 6 - 8, Rachabathuni et al. teaches a method, further comprising the detecting a data transfer to be performed by, step of starting an application on a personal mobile terminal apparatus prior to obtaining the properties and the step of determining active applications, and adapting configurations of the determined active applications. (Abstract; Col. 2, lines 47-53; and Col. 3, lines 1-4)

As of claim 10, Rachabathuni et al. teaches a software tool for adapting a configuration of an application of a mobile terminal, to an accessible voice, data, an/or multimedia communication; which read on claimed data connection, comprising technique; which reads on program code means, for carrying out the steps when program code of the program code means is run on a mobile terminal apparatus. (Abstract; Col. 1, lines 6-20; and Col. 6, lines 40-52)

As of claim 11, Rachabathuni et al. teaches a core program; which reads on claimed computer program, for adapting a configuration of an application of a mobile terminal to data connection, comprising program code means for carrying out the when program code of the program code means is run on a mobile terminal apparatus' processor. (Col. 5, lines 38-43)

As of claim 12, Rachabathuni et al. teaches a database; which reads on claimed computer program product, comprising program code means stored on a ROM (Read

Only Memory); which reads on claimed computer readable medium; for carrying out the method when program code of the operation of WAP applications; which reads on claimed computer program means, is run on a wireless device; which reads on claimed mobile terminal apparatus. (Col. 5, lines 18-36)

Regarding claim 13, see explanation as set forth regarding claim 1 (method claim) because the claimed wireless device or personal mobile apparatus would perform the method steps.

As of claims 14-15, Rachabathuni et al. teaches a wireless device; which reads on claimed personal mobile terminal apparatus, further comprising means for storing the configuration and selecting one of the at least one accessible data connections. (Col. 6, lines 30-53)

As of claim 16, Rachabathuni et al. teaches a wireless device; which reads on claimed personal mobile terminal apparatus, comprising: an access subsystem, responsive to a selection signal, for selecting at least one packet; which reads on claimed access system, from among a plurality of selectable access systems; a media selection subsystem for providing the selection beacon signal; an application subsystem having at least one application; and a configuration server, responsive to the selection signal, for selecting a wireless communication; which read on claimed data connection, for the at least one application. (Col. 4, lines 28-67 and Col. 5, line 54- Col. 6, line 8)

As of claims 17-20, Rachabathuni et al. teaches a wireless device; which reads on claimed personal mobile terminal apparatus, wherein the selection signal is provided

only if a data transfer is to be executed along with the connection being available, and the connection is available and actually required. (Abstract; Col. 2, lines 41-47; Col. 8, lines 22-29; Col. 9, lines 15-26; and Col. 10, lines 46-67)


Conclusion

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janelle N. Young whose telephone number is (571) 272-2836. The examiner can normally be reached on Monday through Friday: 8:30 am through 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JNY
January 30, 2006


DUC NGUYEN
PRIMARY EXAMINER